

Starting your own business in France ?

First questions to be answered :

- **Private expectations**
- **Place of business**
- **Organization of work step by step**

Choice of the relevant legal structure :

- **Stable / non stable establishment ?**
- **Social & Tax consequences**

Some key issues to be aware of ...



Private expectations

- Making its own decisions...
- Planning of work - flexibility...
- Higher income ...
- Place of work
- Freedom
- No boss ...
- Personal challenge ...



Place of business

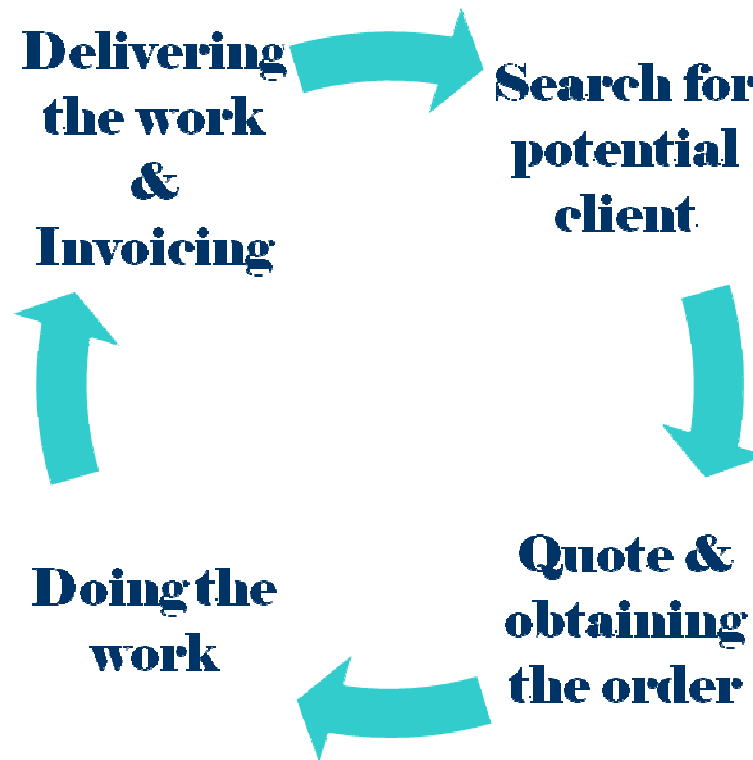
« **Siège de direction effectif** » :

Where is created the value = where it should be invoiced

If you are doing the work alone = where you live and where is based your family



ORGANIZATION - STEP BY STEP



STABLE ESTABLISHMENT ?

If full commercial cycle : stable establishment required

**SELF EMPLOYED –
« *INDEPENDANT / LIBERAL* »**

**COMPANY SET UP :
« *AUTO ENTREPRENEUR / SARL* »**

PORTAGE SALARIAL

RFE « Représentant de Firme Etrangère »



NON STABLE ESTABLISHMENT ?

Foreign company owning a show room, a storage place only for delivery purposes or transformation purposes – work done by a third party being a french

Foreign company having premises in France in order either to purchase goods on behalf of the parent company or to collect information or survey the market.

But TVA / VAT issues may impose the registration of a company in France or the use of a Tax representation, even in these cases.

*Source : Newly signed tax agreement UK / France June 2008
www.impots.gouv.fr*



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SARL Registration steps

- Deciding about your registered address (*5 years max at the home address of the legal director*)
- Drafting & signing of the Memorandum & Articles of association + appointment of the legal director « GERANT »
- Opening of a Bank account to deposit your paid up capital & get a bank certificate
- Publishing a legal advert & get the proof of the publication – specific wording
- Filing all documents with the relevant governmental agency (*Chambre des Métiers OR Greffe Tribunal de Commerce*)
- Getting the KBIS = Certificate of registration



Les spécificités sociales du Gérant Majoritaire de SARL :

Incidences statutaires !

Statuts : répartition du capital 4 cas pratiques

1	2	3	4
X 25% G Y 35% Z 40%	X 51% G Y 30% Z 19%	X 51% G1 Y 25% G2 Z 24%	X 12% G1 Y 20% G2 Z 68%
G MINO	G MAJO	Co-Gérance	Co-Gérance
		G1+ G2 Majo <i>Collège Gérance Majo</i>	G1 + G2 Mino



SARL de famille & liens avec d'autres SARL / SA !



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Les spécificités sociales du Gérant Majoritaire de SARL :

Statut social : TNS / Salarié

GERANT MINORITAIRE

**STATUT
SALARIE**



**Déclaration Unique d'Embauche
Contrat de travail**



Feuille de paie

GERANT MAJORITAIRE

**STATUT
TNS
Travailleur Non Salarié**



**Immatriculation URSSAF TNS
Mandat social**



**Virement bancaire / écritures
comptables**



Les spécificités sociales du Gérant Majoritaire de SARL :

Rémunération : TNS / Salarié

GERANT MINORITAIRE

Salarié sous « contrat de travail »

- **AF, FNAL**
- **Mal, Vieillesse, Veuvage**
- **Assurance vieillesse & invalidité**
- **RDS + CSG non déductible**
- **CSG déductible**

- **ASSEDIC Chômage**
- **Retraite NC ARRCO**
- **Retraite C AGIRC**
- **Prévoyance**
- **Mutuelle**

Cotisations Obligatoires :

PS : 25/35 %

PP : 40/70%

GERANT MAJORITAIRE

TNS avec « mandat social »

Dissociation mandat / contrat de travail

- **AF**
- **Maladie, Maternité : CMR**
- **Assurance vieillesse & invalidité**
- **RDS + CSG non déductible**
- **CSG déductible**

NO Assurance Chomage GSC
NO Retraite Complémentaire
NO Prévoyance / assurance Vie
NO Mutuelle

**M
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Cotisations Obligatoires :

PS + PP : 37 %



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Taxes : stable establishment ONLY

● **Formation Professionnelle Continue : « FPC »**

+ **Taxe d'Apprentissage « TA »**

**When ?
Before the 1st of March Y2**

● **TVTS /TVS : Tax on Company cars**

**When ?
For the period 01/10/Y1 to 30/09/Y2
Due by the 30/11/Y2**

**VAT Returns : Every quarter /
Every month**

**When ?
For the 19th or 24th of the following month**





Taxes : stable establishment ONLY

• **IS + IFA : Impôt Forfaitaire annuel**
« pre-payment of Corporation Tax » &
Corporation Tax :

When ?
IFA : 15th of March Year 1
CT Final payment : 15th March Year 2

• **Taxe Professionnelle : « TP »**

When ?
TP 2009 based on figures 2007
Declaration before May 2010
Payment by the 15.12.2010

• **C3S : Contribution additionnelle**
(TU sup 760 000 euros)

When ?
By the 15th of May Year 2



Main governmental agencies

- **URSSAF** www.URSSAF.fr **ASSEDIC** www.assedic.fr
- **Chambre des Métiers et de l'artisanat** www.artisanat.fr
- **Greffe du Tribunal de Commerce** www.infogreffe.fr
- **INSEE** www.insee.fr
- **IMPOTS : Service Impôts des Entreprise** www.impots.gouv.fr
- **RSI Régime Social des Indépendants** www.le-rsi.fr



REGISTRATION NUMBERS & SECRET CODES ...

RCS / Company number (9)

SIRET / Employer number (9 +5)

Code APE / SIC Code (4 to 5 references)

TVA / VAT Number (FR xx +9)

CCN / Union trade agreement by sector

URSSAF , ASSEDIC, ARRCO, AGIRC...

RC ...!!!!!!



TNS 1: Travailleurs Non Salariés

- Gérants majoritaires « Legal Director »
- Commerçants
- Indépendants / Libéraux « Sole trader »
- GPs , Notary Public, Chartered Accountant...

Registration with INSEE + URSSAF + RSI



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TNS 2: Travailleurs Non Salariés

● URSSAF Contributions :

Based on the « Year – 2 » taxable income

Allocations familiales : 5.40 %

based on income

Formation Professionnelle : 0.15%

based on 33 276 euros

CSG/CRDS : 8%

based on income + compulsory contributions (RSI)

● RSI Contributions :

Based on the « Year-2 » taxable income

Sickness & Maternity : 6,50% / 5,90%

over 33 276 euros

SSP daily allowance : 0.70%

up to 166 380 euros

Pension basis 1 : 16.65 % / 7%

over 33 276 euros

Pension complementary : 6.50%

up to 99 828 euros

Incapacity – life insurance : 1.8% / 1.3%

depending on statute



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PLAY THE GAME & BE PREPARED

BE PREPARED TO PLAY THE GAME



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